

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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ROBERT HUBER,

Petitioner,

v.

Case No. 10-C-435

WARDEN JEFF PUGH,

Respondent.

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**ORDER GRANTING CERTIFICATE OF APPEALABILITY**

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Petitioner Robert Huber seeks a certificate of appealability from this court's order dismissing his petition for writ of habeas corpus. A certificate of appealability may issue only if a prisoner has one substantial constitutional question for appeal. Here, Huber raises the substantial question of whether the court lacked jurisdiction over him as a probationer at the time it revoked his probation and sentenced him to 10 years in prison. If as Huber contends, his probation term had expired before he was revoked, the sentence would be a violation of due process. The issue of whether his petition was timely will also require review since the court dismissed the case because the petition was untimely. The court concludes that issues raised by Huber are substantial and, accordingly, a certificate of appealability is issued.

Dated this 14th day of June, 2011.

s/ William C. Griesbach

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WILLIAM C. GRIESBACH

United States District Judge